

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11510 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

RAJANIKANT PREMJBHAI CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11510 of 2003
MR MAHESH BHAVSAR for Petitioner No. 1
MR RV DESAI, ASST. GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 27/08/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri R.V. Desai for the respondents. At the request of the learned advocates, the petition is finally heard today.

2. The petitioner has been aggrieved by an order dated 29/30.7.2003 passed by respondent No. 1, whereby the said respondent had rejected an application for interim relief.

3. The petitioner was aggrieved by an order dated 10.7.2003 passed by respondent No. 3 and, therefore, he filed a revision application before respondent No. 1. The said revision application has been admitted, but the authority has refused to grant interim relief. Looking to the facts of the case, this court had protected the petitioner as the petitioner was continuing his business of running a fair-price shop.

4. Looking to the facts of the case, it appears that if ultimately the petition succeeds in the revision, irreparable damage might be caused to him because he would be without his business especially when he has already resigned from the post of clerk. Looking to the plight of the petitioner, it would be just and proper if respondent No. 1 is directed to decide the revision application at an early date. It is, therefore, directed that the revision application should be decided as soon as possible and preferably before 30.9.2003. The ad-interim relief, which has been granted by this court, shall continue till the said revision application is finally decided.

5. In view of the above direction, the petition stands disposed of as partly allowed. Rule is made absolute to the above extent with no order as to costs. D.S. permitted.

(A.R. Dave, J.)

(hn)